

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: CONSTRUCTION EQUIPMENT
RENTAL ANTITRUST LITIGATION

This Document Relates To:

ALL ACTIONS

Case No. 1:25-cv-03487
MDL No. 3152

Hon. Sara L. Ellis

DEFENDANTS' JOINT MOTION TO DISMISS
PLAINTIFFS' CONSOLIDATED AMENDED CLASS ACTION COMPLAINT

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants Rouse Services, LLC, Rouse Analytics, LLC (together, “Rouse”), RB Global, Inc., United Rentals, Inc., United Rentals (North America), Inc., Sunbelt Rentals, Inc., Herc Rentals, Inc., Herc Holdings Inc., H&E Equipment Services, Inc., Sunstate Equipment Co., LLC, The Home Depot U.S.A., and Equipmentsshare.com, Inc. (collectively, “Defendants”), respectfully move this Court for an order dismissing Plaintiffs’ Consolidated Amended Class Action Complaint (ECF No. 145) in its entirety. In support of this Joint Motion, Defendants submit a Memorandum in Support and the Declaration of Johnson Do and its supporting exhibits, and state as follows:

1. Plaintiffs fail to allege a *per se* horizontal price-fixing conspiracy because Plaintiffs (a) do not allege that Rouse and the Rental Company Defendants are horizontal competitors, and (b) fail to plausibly allege any agreement among the Rental Company Defendants, including under any invitation-and-acceptance theory.

2. Plaintiffs fail to allege a *per se* unlawful hub-and-spoke conspiracy because they fail to plausibly allege (a) direct or indirect evidence of an unlawful “rim” agreement between and among the Rental Company Defendants, and (b) that Rouse operates as a “hub” for price-fixing.

3. Plaintiffs fail to allege an unlawful hub-and-spoke conspiracy under the rule of reason because they fail to plausibly allege (a) an unlawful “rim” agreement between and among the Rental Company Defendants, (b) that Rouse operates as a “hub” for price-fixing, (c) a nationwide relevant geographic market for construction rentals, and (d) direct or indirect anticompetitive effects in the purported relevant market.

4. Plaintiffs fail to allege a conspiracy to exchange information under the rule of reason because they fail to plausibly allege: (a) an agreement to exchange confidential information, including the purported agreement to not only share information but also use that information to make pricing decisions; (b) a nationwide relevant geographic market for construction rentals; and (c) direct or indirect anticompetitive effects in the purported relevant market, including under the well-established criteria for assessing anticompetitive effects in information exchange claims.

5. The Sherman Act’s four-year statute of limitations applies because Plaintiffs fail to plausibly allege any tolling doctrine.

6. On January 6, 2026, Michael W. Scarborough, counsel for RB Global and Rouse, conferred via videoconference with Alexander Barnett and Zachary D. Caplan, counsel for Plaintiffs, regarding Defendants’ Joint Motion to Dismiss. Counsel representing each of the other Defendants—United, Sunbelt, Herc, H&E, Sunstate, The Home Depot, and EquipmentShare—were also present and participated in the meet and confer. The parties discussed whether they could reach an accord and made good faith attempts to resolve differences but were unable to reach agreement.

7. Defendants respectfully request oral argument on their Motion.

WHEREFORE, Defendants respectfully request that the Court enter an Order granting dismissal of Plaintiffs' Consolidated Amended Class Action Complaint in its entirety.

Dated: January 9, 2026

By /s/ Steven L. Holley

Steven L. Holley
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, NY 10004
Tel.: (212) 558-4000
holleys@sullcrom.com

Adam S. Paris
SULLIVAN & CROMWELL LLP
1888 Century Park East
Suite 2100
Los Angeles, CA 90067
Tel.: (310) 712-6663
parisa@sullcrom.com

James F. Herbison
WINSTON & STRAWN LLP
35 West Wacker Drive
Chicago, IL 60601
Tel.: (312) 558-5909
jherbiso@winston.com

*Counsel for Defendants United Rentals, Inc.
and United Rentals (North America), Inc.*

Respectfully submitted,

By /s/ Michael W. Scarborough

Michael W. Scarborough (*pro hac vice*)
Dylan I. Ballard (*pro hac vice*)
VINSON & ELKINS LLP
555 Mission Street
Suite 2000
San Francisco, CA 94105
Tel: (415) 979-6900
Fax: (415) 651-8786
mscarborough@velaw.com
dballard@velaw.com

Stephen M. Medlock
VINSON & ELKINS LLP
2200 Pennsylvania Ave., N.W.
Suite 500 W
Washington, D.C. 20037
Tel: (202) 639-6500
Fax: (202) 639-6604
smedlock@velaw.com

Nicole L. Castle (*pro hac vice*)
VINSON & ELKINS LLP
1114 Avenue of the Americas
New York, NY 10036
Tel: (212) 237-0000
Fax: (212) 237-0100
ncastle@velaw.com

*Counsel For Defendants
RB Global, Inc., Rouse Services, LLC,
and Rouse Analytics, LLC*

By /s/ Corey W. Roush
Corey W. Roush
SIDLEY AUSTIN LLP
1501 K Street NW
Washington, DC 20005
Tel.: (202) 736-8624
corey.rous@sidsley.com

Tom Paskowitz
Taylor N. Randleman
SIDLEY AUSTIN LLP
787 Seventh Avenue
New York, NY 10019
Tel.: (212) 839-5832
tpaskowitz@sidsley.com
taylor.randleman@sidsley.com

*Counsel for Defendants HERC Holdings Inc.,
HERC Rentals Inc., and H&E Equipment
Services, Inc.*

By /s/ Ryan Phair
Ryan Phair
Christopher C. Brewer
Michael F. Murray
Terence A. Parker
PAUL HASTINGS LLP
2050 M Street NW
Washington, DC 20036
Tel.: (202) 551-1700
ryanphair@paulhastings.com
chrisbrewer@paulhastings.com
michaelmurray@paulhastings.com
terenceparker@paulhastings.com

Counsel for Defendant Sunbelt Rentals, Inc.

By /s/ Matthew M. Martino
Matthew M. Martino (*pro hac vice*)
Karen Hoffman Lent (*pro hac vice*)
Michael H. Menitove (*pro hac vice*)
Michael A. Lanci (*pro hac vice*)
Elizabeth R. Peled (*pro hac vice*)
**SKADDEN, ARPS, SLATE, MEAGHER
& FLOM LLP**
One Manhattan West
New York, New York 10001-8602
Tel.: 212-735- 2402
matthew.martino@skadden.com
karen.lent@skadden.com
michael.menitove@skadden.com
michael.lanci@skadden.com
elizabeth.peled@skadden.com

Amy L. Van Gelder
**SKADDEN, ARPS, SLATE, MEAGHER
& FLOM LLP**
320 South Canal Street
Chicago, Illinois 60606
Tel.: 312-407-0903
amy.vangelder@skadden.com

*Counsel for Defendant
Sunstate Equipment Co., LLC*

By /s/ Kenneth M. Kliebard

Kenneth M. Kliebard
MORGAN, LEWIS & BOCKIUS LLP
110 North Wacker Drive, Suite 2800
Chicago, IL 60606-1511
(312) 324-1000
kenneth.kliebard@morganlewis.com

Zachary M. Johns (*pro hac vice*)
MORGAN, LEWIS & BOCKIUS LLP
2222 Market Street
Philadelphia, PA 19103-3007
(215) 963-5000
zachary.johns@morganlewis.com

Rishi P. Satia (*pro hac vice*)
MORGAN, LEWIS & BOCKIUS LLP
One Market, Spear Street Tower
San Francisco, CA 94105-1596
(415) 442-1000
rishi.satia@morganlewis.com

J. Clayton Everett, Jr. (*pro hac vice*)
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave., N.W.
Washington, D.C. 20004
(202) 739-3000
clay.everett@morganlewis.com

*Counsel for Defendant
EquipmentShare.com Inc.*

By /s/ David C. Kiernan

David C. Kiernan
JONES DAY
555 California Street, 26th Floor
San Francisco, CA 94104
Tel.: (415) 626-3939
dkiernan@jonesday.com

Caroline Van Wagoner
JONES DAY
4655 Executive Drive, Suite 1500
San Diego, CA 92121-3134
Tel.: 858-314-1200
cvanwagoner@jonesday.com

Erica E. Duff
JONES DAY
110 N. Wacker Dr., Suite 4800
Chicago, IL 60606
Tel.: (312) 269-1511
eduff@jonesday.com

Ronan P. Doherty
Ben W. Thorpe
**BONDURANT MIXSON & ELMORE
LLP**
1201 West Peachtree Street NW Suite 3900
Atlanta, GA 30309
T: (404) 881-4100
doherty@bmelaw.com
bthorpe@bmelaw.com

William P. Barnette (admitted pro hac vice)
Peter E. Diaz (admitted pro hac vice)
KING & SPALDING LLP
1180 Peachtree St., Suite 1600
Atlanta, GA 30309
Tel: (404) 572-4729
wbarnette@kslaw.com
pdiaz@kslaw.com

*Counsel for Defendant The Home Depot
U.S.A., Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2026, a copy of the foregoing document was electronically filed through the ECF system and will be sent electronically to all persons identified on the Notice of Electronic Filing.

/s/ Michael W. Scarborough
MICHAEL W. SCARBOROUGH